

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

THE PORTLAND MINT,)	
)	
Plaintiff,)	
)	
v.)	No. 20-518C
)	(Judge Horn)
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	
)	
)	
)	

PLAINTIFF’S MOTION TO FILE STATUS REPORT
OUT OF TIME

Pursuant to Rule 6(b)(1)(B) of the Rules of the United States Court of Federal Claims, plaintiff, The Portland Mint (“TPM”), respectfully requests leave of Court to file out of time the status report prescribed by the Court’s Order dated April 9, 2021. (ECF Doc. 43).

TPM’s status report was originally due on April 28, 2021. On April 26, 2021, after conferring with defense counsel, TPM filed an unopposed motion for an extension of time to file the status report by April 30, 2021. (ECF Doc. 44). On April 30, 2021, the Court instructed the Clerk’s Office to strike TPM’s motion to extend based on TPM’s failure to include proof of service on defendant with its filing. (ECF Doc. 45). On April 30, 2021, TPM attempted to correct its motion to extend by including a certificate of service, pursuant to the Rules. (ECF Doc. 46). TPM concurrently filed the status report on April 30, 2021 to provide the Court with the opportunity to review same after determining the motion to extend so as to prevent further delay. (ECF No. 47). On May 3, 2021, the Court ordered that TPM should have requested to file the status report out of time, since the original deadline had passed. (ECF Doc. 48). As such, TPM now submits the present motion and respectfully requests leave of Court to file the status report out of time.

Attached as **Exhibit A** is a copy of the status report that TPM intends to file should the Court grant TPM's instant Motion to File Status Report Out of Time. Defense counsel previously indicated that the government did not oppose TPM's prior motions to extend. The client has been advised of this motion to file the status report out of time.

TPM initially sought a short, two-day enlargement of time to file the status report so the issues set forth in the Court's April 9, 2021 Order could be adequately addressed. Specifically, the Court requested TPM to provide a thorough examination and analysis on: a potential Administrative Procedure Act claim in district court; this Court's jurisdiction over each claim in the Amended Complaint; which counts should be retained if this matter is transferred in part to a district court; and various federal statutes. The brief extension was sufficient, and TPM was prepared to submit the status report on April 30, 2021 as initially requested. However, due to technical deficiencies with the previous motions to extend, the Court has not been able to consider TPM's status report. TPM has been active in its attempts to file the status report and submits the current motion in compliance with the Rules. Furthermore, defendant will not suffer any prejudice from the delay in filing the status report.

For the foregoing reasons, TPM respectfully requests that the Court grant this motion to file its status report out of time.

Dated: May 6, 2021

Respectfully submitted,

/s/ Lee Vartan

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CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of May, 2021, a copy of the foregoing “PLAINTIFF’S MOTION TO FILE STATUS REPORT OUT OF TIME” was filed electronically. I understand that notice of this filing will be sent to all parties by operation of the Court’s electronic filing system. Parties may access this filing through the Court’s system. Additionally, service was made upon the following via electronic mail:

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/s/ Lee Vartan
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